

**REMARKS**

In the Office Action the Examiner noted that claims 1-2, 5-7, and 9 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 1-2, 5-7, and 9 have been amended, and new claims 12-14 have been added. No new matter has been presented. Thus, claims 1-2, 5-7, 9, and 12-14 are pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

**Examiner Interview**

Appreciation is expressed to the Examiner for the interview conducted on November 15, 2006. At the interview, various amendments to the claims were discussed, and the Examiner agreed that he would consider these amendments upon the filing of an Amendment. The Examiner noted that he would need to conduct a further search regarding the amended claims. Additional points raised in the interview are included in portions of the remarks below.

**Claim Rejections Under 35 USC §112**

In item 2 on page 2 of the Office Action the Examiner rejected claims 1-2, 5-7, and 9 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

By this Amendment, claims 1-2, 5-7, and 9 have been amended and no longer recite the limitation cited by the Examiner in the manner rejected by the Examiner. Therefore, the Applicant respectfully submits that the §112 rejections are rendered moot, and respectfully request the withdrawal of same.

**Claim Rejections Under 35 USC §102**

In item 3 on pages 3-8 of the Office Action the Examiner rejected claims 1-2, 5-7, and 9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0099567, issued to Joao (hereinafter referred to as "Joao"). The Applicant respectfully traverses the Examiner's rejections of these claims.

Claim 1 of the present application, as amended, recites “accepting at said server an electronic message from the user to the receiver of the article by associating the electronic message with said article....and sending from said server said electronic message associated with said article to the receiver of said article in response to receiving notification that physical delivery of said article is completed.” The Applicant respectfully submits that Joao does not disclose or suggest at least these features of claim 1.

Joao discloses a method of providing shipment information to a sender, a carrier, and a receiver of a shipment. The shipment information may be updated by the sender, which is a delivery company, or by the carrier, which is the delivery person employed by the delivery company. This allows the shipment information, such as location of the shipment, to be updated at difference phases of the delivery process, and the involved parties are able to view the most recent shipment information. Upon delivery of the shipment, the carrier can generate a notification message to be sent to the recipient. However, the method disclosed in Joao does not disclose or suggest accepting an electronic message from a user to the recipient, and sending that electronic message to the recipient in response to the delivery of the shipment.

This is in direct contrast to claim 1 of the present application, which recites sending said electronic message associated with said article to the receiver in response to receiving notification that physical delivery of said article is completed. In other words, one possible embodiment enabled by claim 1 allows a user to have an item such as a gift delivered to a recipient by a delivery company (such as the sender of Joao), and to have an electronic message associated with that gift to be stored so that the electronic message will not be sent to the receiver of the gift until actual delivery has been made. Joao, on the other hand, does not contemplate at all a delivery company receiving an electronic message from a user, associating that electronic message with an item to be delivered, and delivering the electronic message to the recipient when the delivery of the item is completed. Rather, Joao merely contemplates sending a delivery notification, which is newly generated by the carrier of a package, to the recipient when the delivery of the package is completed.

Therefore, Joao does not disclose or suggest at least the features of “accepting at said server an electronic message from the user to the receiver of the article by associating the electronic message with said article....and sending from said server said electronic message associated with said article to the receiver of said article in response to receiving notification that physical delivery of said article is completed.” Accordingly, Joao does not disclose every element of the Applicant’s claim 1. In order for a reference to anticipate a claim, the reference

must teach each and every element of the claim (MPEP §2131). Therefore, since Joao does not disclose the features recited in independent claim 1, as stated above, it is respectfully submitted that claim 1 patentably distinguishes over Joao, and withdrawal of the §102(e) rejection is earnestly and respectfully solicited.

Claims 2, 5-7, and 9 also recite similar features to those discussed in regard to claim 1, and which are not disclosed or suggested by Joao. Therefore, it is respectfully submitted that claims 2, 5-7, and 9 also patentably distinguish over Joao.

#### New Claims 12-14

New claims 12 –14 are drawn to a method of delivering a message, the method comprising accepting at the server an electronic message from the user to the receiver, and sending the electronic message to the receiver of the item in response to physical delivery being completed. Therefore, it is respectfully submitted that new claims 12-14 also patentably distinguish over Joao.

#### Summary

In accordance with the foregoing, claims 1-2, 5-7, and 9 have been amended, and new claims 12-14 have been added. No new matter has been presented. Thus, claims 1-2, 5-7, 9, and 12-14 are pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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11/17/06

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